

as well as to appellee; and other relevant changes have been made.

Rule 753. Judgment by Default.—Said cause shall be subject to trial at any time after the expiration of five full days after the day the transcript is filed in the county court, and if defendant shall fail to enter his appearance therein before the case is called for trial, the allegations of the complaint may be taken as admitted, and judgment by default may be entered accordingly.

Source: Art. 3991, with minor textual change.

Changed by amendment effective December 31, 1943: Wording has been interpolated to prevent delay and to allow default judgment at a term of the county court even though the transcript reaches that court shortly before or in the midst of a term of the county court. The caveat in the original note has been dropped on account of the decision in *Garrett v. Mercantile National Bank at Dallas et al.*

It is further ordered that the following changes be made in the following other rules and that they be obeyed and shown in such publication, viz:

In Rule 173 the word "his" occurring between the word "allow" and the words "a reasonable" is changed to read, "him"; in Rule 572 the words "whereupon it shall be the duty of the justice of the peace in which the suit is pending" are changed to read "whereupon it shall be the duty of the justice of the peace in whose court the suit is pending";

It is further ordered that in the note to Rule 353 the words "Change: Appeal is perfected when notice of appeal is given" are eliminated, but the words "See Rule 363" are retained; and that the "List of Repealed Statutes" be corrected so as to strike out the comma and insert a dash between Articles 3701 and 3707;

It is further ordered that such amendments to such rules and notes shall become effective at the close of December 31, 1943;

It is further ordered that this order, including these amended rules, along with the appended notes, shall

be recorded in the minutes of this Court;

It is further ordered that the official copy of this order, and of these amended rules and notes, as embraced in a signed duplicate original draft of this order, shall be preserved by the Clerk of this Court in his office as one of the permanent records of the Supreme Court of Texas.

Entered this the 16th day of June, 1943, in duplicate originals:

JAMES P. ALEXANDER,
Chief Justice.

JOHN H. SHARP,
Associate Justice.

RICHARD CRITZ,
Associate Justice.

Filed in the Office of the Secretary of State, this 17th day of June, 1943, at 3 o'clock p. m.

SIDNEY LATHAM,
Secretary of State.

THE STATE OF TEXAS

Secretary of State

I, Sidney Latham, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of amendments to the Rules of Practice and Procedure in civil actions, together with the order of the court thereon filed in this office on the 17th day of June 1943; same being all of such amendments and orders filed in this office since the adjournment of the Regular Session of the 48th Legislature on the 11th day of May 1943.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 13th day of January A. D., 1945.

(Seal) SIDNEY LATHAM,
Secretary of State.

FIFTH DAY

(Tuesday, January 16, 1945)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Winfield.

Messages from the Governor

Mrs. Margaret McDuffie, of the Governor's Office, having been announced by the Doorkeeper, presented the following messages:

Austin, Texas,
January 16, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Secretary of State for a two year term to expire January 21, 1947:

Honorable Sidney Latham of Longview, Gregg County.

To be Adjutant General for a two year term to expire January 21, 1947:

Brigadier General Arthur B. Knickerbocker of Odessa, Ector County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
January 16, 1945.

To the Members of the Forty-ninth Legislature:

I submit for your consideration as an emergency matter, under the authority of Section 5, Article III, of the Constitution, the following subject of legislation:

An amendment to the State Equalization Law for the present biennium for the purpose of enabling teachers in the rural schools to receive increased compensation, and for adjusting the transportation costs, and for increasing the allowances for high school tuition for schools which show a budgetary need for such increase, and for increasing the allowance per teacher for the current operating expense of rural aid schools, and making such appropriation as the Legislature deems necessary for such purposes.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

The messages were read, and the message submitting nominations was referred to the Committee on Nominations of the Governor.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Moffett and Spears:

S. B. No. 44, A bill to be entitled "An Act creating the office of Veterans County Service Office; providing for the employment of Veteran County Service Officers and Assistant Veteran County Service Officers; authorizing the maintenance and operation of such office by the Commissioners Court; authorizing the appointment by the Commissioners Court of a Veterans County Service Officer and Assistant Veterans County Service Officers and other necessary personnel; defining the qualifications, authority and duties of such officers; authorizing the fixing of salaries of such officers and personnel by the Commissioners Court and providing that the salaries and travel expenses of such officers and personnel and other expenses of such office so maintained may be paid out of the general

funds of the county on order of the Commissioners Court; providing for the term of such officers and personnel; granting the right of such officers the official entry into the records of the eleemosynary and penal institutions of the State of Texas; authorizing the maintenance and operation of such office and the employment of such officers and personnel and the fixing of the salaries and payment of expenses jointly by agreement of one or more counties; repealing all laws and parts of laws in conflict; repealing Chapter 330, page 557 of the acts of the regular session of the 48th Legislature; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 45, A Bill to be entitled "An Act to amend Article 4725, Revised Civil Statutes of 1925, as amended [relating to securities in which life insurance companies organized under laws of Texas as may invest], and declaring an emergency."

To Committee on Insurance.

By Senators Spears and Brown:

S. B. No. 46, A bill to be entitled "An Act authorizing the State Board of Control to acquire and/or construct and/or recondition and equip a State Training School for dependent and delinquent colored girls at a cost of not to exceed \$150,000; appropriating \$150,000 for such purpose, and further appropriating \$40,000 for the maintenance and operation of said institution for the year ending August 31, 1946 and \$50,000 for such maintenance and operation for the year ending August 31, 1947; authorizing the State Board of Control to fix salaries of the superintendent and employees thereof at amounts not exceeding those paid for comparable positions in similar State institutions; and declaring an emergency."

To Committee on Finance.

Senate Joint Resolution 4

The following resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Graves:

S. J. R. No. 4, Proposing an amend-

ment to Section 2, Article VI of the Constitution by providing that every person who shall have attained the age of eighteen (18) years, and not otherwise disqualified, shall be deemed a qualified elector; providing for the holding of an election; prescribing the form of ballot; directing the Governor to issue the necessary proclamation; and making an appropriation to defray the expenses of such publication and election.

Senate Resolution 11

(Investigating Committee)

Senator Mauritz offered the following resolution:

Whereas, The attention of the Senate has been called to a number of greivous and allegedly illegal practices now and heretofore engaged in by public officials in various sections of this State; and

Whereas, The financial condition of this State is dependent upon the honest enforcement of its revenue laws and the collection of taxes, licenses, fees, and other revenues; and

Whereas, There have been reported many evasions of these revenue laws, and many violations of other laws of this State, and many of such violations and evasions are alleged to have been committed with the knowledge and connivance of some officers in this State; and

Whereas, Past experience has proven that a saving of millions of dollars may be made to the taxpayers of Texas by the existence at all times of a standing General Investigation Committee; and

Whereas, The Forty-ninth Legislature will be in session only a few months and there should be some restraining agency and investigating committee existing during the interim between adjourning of this Legislature and the convening of the Fiftieth Legislature, and it is the purpose of this resolution to authorize the appointment of such committee and to empower said committee to investigate any and all law violations in this State which pertain to, or in any way affect the general welfare, as well as the administration of State laws and departmental activities; now, therefore, be it

Resolved by the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between this date and the date of the convening of the Regular Session of the Fiftieth Legislature, as may to said committee seem necessary and proper; and the committee shall continue the inquiries heretofore begun by the committee authorized and appointed at the Regular Session of the Forty-eighth Legislature relative to law violations and the administration of all State laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Section 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Section 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect

and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Section 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Section 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Section 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee on request of chairman or members of said committee.

Section 7. That said committee shall submit a report in writing to the Fiftieth Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-ninth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem

and contingent fund of said Forty-ninth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Section 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

MAURITZ
LANNING
MOORE

The resolution was read.

(President pro tempore Moffett in the Chair)

Resolutions Signed

The President pro tempore signed in the presence of the Senate the following resolutions:

House Concurrent Resolutions Nos. 2, 3, 4, 6, and 7; Senate Concurrent Resolutions Nos. 2 and 3.

(President in the Chair)

Senate Resolution No. 12

(Committee on Veterans' Affairs)

Senator Moffett offered the following resolution:

Whereas, It is evident that the volume of legislation affecting war veterans will materially increase from session to session of the State Legislature and,

Whereas, this is a definite and specific field of legislation deserving special and careful consideration in order that the bills affecting veterans may receive the very best thought and consideration of the members of the legislature and the general public as expressed through hearings and otherwise, now

Therefore Be It Resolved, by the Senate of the State of Texas that a new Senate committee to be known as a committee on "Veterans' Affairs" be created and established as a regular standing committee of this Senate and that the president of the Senate proceed to name the members of such a committee designating a Chairman and Vice Chairman in the usual way and to assign to the committee such bills and resolutions as are appropriate for its consideration and that the adoption of this resolution shall

be considered an amendment to the rules authorizing the creation of such a committee.

MOFFETT
SPEARS
CRAWFORD

The resolution was read.

Communication from Legislative Audit Committee

The President laid before and had read to the Senate the following communication:

Austin, Texas,
January 16th, 1945.

To The Senate, 49th Legislature of the State of Texas:

This is to certify that the Legislative Audit Committee, created under the provisions of Senate Bill No. 27 as passed by the 48th Legislature, did on August 10th, 1943 appoint C. H. Cavness as State Auditor for the period expiring February 15, 1945. The Committee's authorization to select the State Auditor for this period is set out in Section 3 of that Act and its requirement to submit such appointee for the Senate's approval is in Section 6 thereof.

It is respectfully requested that Senate confirmation be given this appointment.

LEGISLATIVE AUDIT COMMITTEE

By JOHN LEE SMITH,
Lt. Governor, and Chairman.

J. E. WINFREE,
Sec., Chairman of the House
Revenue and Taxation
Committee.

R. C. LANNING,
Member, Chairman of the
Senate Finance Committee.

GEORGE MOFFETT,
Member, Vice Chairman of
the Senate Committee on
State Affairs.

M. A. (Bill) BUNDY,
Member, Chairman of the
House Appropriations
Committee.

The communication was referred to the Committee on Nominations of the Governor.

(President pro tempore in the Chair)

Joint Session

(To Inaugurate Governor and Lieutenant Governor)

At 11:20 o'clock a. m. Hon. George Moffett, President pro tempore, requested the Senate to proceed in a body to the Hall of the House of Representatives for a joint session with the House to inaugurate the Governor-elect and the Lieutenant Governor-elect.

Accordingly, the Honorable Senators, escorted by Secretary of the Senate, Bob Barker, proceeded to the Hall of the House, where they were duly announced and escorted to seats reserved for them along the aisle.

On invitation of the Speaker, the President pro tempore occupied a seat on the Speaker's rostrum.

The President pro tempore called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

A quorum of the Senate was announced present.

Hon. Claud Gilmer, Speaker of the House of Representatives, called the House to order and ascertained and announced the presence of a quorum of the House.

The Governor-elect and Lieutenant Governor-elect and their inaugural party were announced at the Hall of the House and were duly admitted.

The Honorable Coke R. Stevenson, Governor-elect, the Honorable John Lee Smith, Lieutenant Governor-elect, and their inaugural party were escorted to the Speaker's rostrum by Senators Stanford, Bullock, Winfield,

Lanning and Stone, on the part of the Senate, by Messrs. Sadler, Calhoun, Manford, Little and Crosthwait, on the part of the House, and by the Color Guard of Company B, Fifth Battalion, Texas State Guard.

On invitation of the Speaker, the Reverend S. L. Batchelor of San Marcos, Texas, at 11:30 o'clock a. m., offered the invocation.

The Speaker announced that the constitutional oath would be administered to Hon. John Lee Smith, Lieutenant Governor-elect, by Associate Justice M. B. Blair of the Court of Civil Appeals of the Third Supreme Judicial District.

Hon. John Lee Smith, Lieutenant Governor-elect, then took the constitutional oath of office, the oath being administered by Associate Justice Blair.

The Speaker of the House presented Hon. George Moffett, President pro tempore of the Senate, who presented Lieutenant Governor John Lee Smith of Throckmorton County to the joint session.

Address by Lieutenant Governor

Lieutenant Governor Smith addressed the joint session as follows:

Mr. President, Mr. Speaker, Governor Stevenson, and Members of the Forty-ninth Legislature:

I congratulate you on the opportunity to serve your state which is yours this day. In this time of world discord and uncertainty we must adhere to the principles that have given birth to the American way of life.

The only excuse for government is to protect and preserve the people who create it in their right "to life, liberty, and the pursuit of happiness." Failing to render this service such a government merits change and even complete destruction. Such has been the experience of all governments in the long, bloody history of the people's efforts to destroy corrupt and despotic power.

It, therefore, behooves you and me in our several spheres of responsibility to see that the government of our state fulfills the ends for which it was created.

As Lieutenant Governor I am not authorized by law or custom to outline to you any Legislative policy, yet as your colleague equally responsible with you for the exercise of legislative power, I can speak to you

of vital matters that should merit our most careful appraisal and action.

We should continue the wise policy of strict economy both in the expenditure of public funds and in the levy of taxes to support such expenditures. Wasteful spending is destructive of all true progress and should never be engaged in by a just government.

More than 20 years have passed since the state has been redistricted. This failure to act on the part of the Legislature has been in sheer defiance of the Constitution. We cannot ignore the constitution and then boast that we believe in constitutional government. By reason of our disobedience to the terms of the constitution more than 100,000 qualified voters have no voice in this legislature. Too much precious American blood is being shed to preserve democracy for you and I to continue to violate it by a continuance of such disobedience.

In a sense of justice we should grant to the more than 500,000 young Texans now serving in the armed forces the right to vote without a poll tax. This can be done now as it was done in 1919—by the Legislature. During the last forty years five different classes have been exempted from the payment of the poll tax by legislative act, and in all that long time no court has ever questioned the validity of these acts. If the Legislature has the power to exempt any class from the payment of the poll tax it naturally follows that it has the power to exempt our fighting men from such tax. Surely if we believe in justice we will do this.

For ten years Texas was an independent Republic among the nations of the earth. This experience has burned into the Texan heart an ardent love of independence and the liberties it vouchsafes. In the spirit of such liberties appropriate steps should be taken to advise all individuals, groups, and associations who seem disposed to assume supervision of policies that peculiarly inhere in the State government, that Texas is still a sovereign state whose independence is limited only by the Constitution of the United States; and that efforts to subject this state, or any of its institutions, to the will of any such persons, groups, or associations are violative of that independence, highly impertinent, and are not conducive to harmonious progress.

You and I—chosen by the people to serve them in these days when the violence of war fills the earth, and when chaos and confusion reign among millions of the earth's inhabitants, are charged with a grave responsibility—the responsibility of preserving intact "government by the people, of the people, and for the people."

Ours is a government for the protection and benefit of all the people and not for profit and pleasure of a favored class of the people—whether that class be the so-called proletariat as in Soviet Russia, the Nazi party as in Germany, or a special and privileged class of any kind in this country. Ours is a government based upon justice, freedom, and democracy to all. We must refuse the implementations of political terror to compel obedience to official power if we are to remain American. We must reject as dangerous any form of government by coercion. We must scorn as treasonable to our concept of democracy those efforts—from whatever source they come—which seek to vest special privilege in one group as against the whole of our people. We must make sure in this State that no man is denied "the right to life, liberty, and the pursuit of happiness," because he does not belong to a politically favored corporation, a politically favored church, or a politically favored labor union. Failing in this we make certain the ultimate destruction of free churches, free capital, and free labor.

There was a day in England when those who did not belong to the politically favored church were denied the right to hold public office, or to secure employment in the favored trades and professions. Religious and economic freedom became a mockery, and even as the oppressed gathered in their chapels and synagogues to pray the dark shadows of religious hate obscured the bright flame of their faith. As sentinels on the ramparts of a state dedicated to human freedom let us guard well against the return of such intolerance—either political or religious.

To some of us who strive to read the signs and portents of the times with sober thoughtfulness—there comes the distressing fear that a new and dreadful era of intolerance is returning. Indeed the vanguard of its coming is already here.

I will be specific. The right to labor—man's most honorable and ancient profession is already being denied to him on a basis of his **affiliation**, or **non-affiliation**, with this or that labor group. My friends have we forgotten those dreadful days when men were denied work because they did not belong to the **state favored church**? It is as much a denial of liberty to refuse a man work because he does not belong to a certain **government favored union** as it was to deny him employment because he did not belong to the **state favored church**! The practices are identical in theory since they both destroy the individual and make him the victim of the **politically favored group**!

We have established the religious liberty of the individual by constitutional enactment. Shall we deny economic liberty to the common laboring man, both union and non-union, by refusing the same constitutional protection to his right to labor?

This question permits of no pussy-footing, evasion, or side-stepping. It demands of us courage of the first order, but dare we fail to meet it because of fear of what may happen to our political future? Who are you and I to count our fortunes so precious in the struggle for human liberty? In this war thousands of fine and splendid lads have hurled their lives away in the shock and storm of battle. Why should you and I, like craven cowards, flinch before the threat of unfriendly ballots when they bravely fall before the blasts of machine gun and shell? If we do so we will be unworthy of them. Every little white cross that marks the spot where a brave American boy sleeps through the long watches of God's eternal years becomes a monument to our shame if we fail through fear. These lads died, and are dying now—for human liberty. Not their liberty, for they shall never enjoy the Four Freedoms in the loved land of home. Through all the vast ages they shall lie quietly in the grim bivouac of the mighty dead, mute witnesses of their devotion to the rights of other men!

The great and the just have never counted the cost to themselves when it became necessary to make sacrifice for a noble cause. From the dark and sombre brow of cross crowned Calvary down through the weary centuries to the battle-lines that are blazing with hell's fury this morning

in Germany and the Philippines brave men have dared to sacrifice for the right and the just. A little over a century ago a great American—one lately maligned by a thoughtless and irreverent tongue—left to you and me a special example. In fancy I can see him now as he makes the final rally at the Alamo. Surrounded by the hosts of Santa Anna, David Crockett, the hunter, the member of Tennessee's legislature and the Congress of the United States—the daring frontiersman with a song on his lips—there he is coming down to die at the Alamo. I can hear him as he shouts his defiance—remembering his motto: "Be sure you're right then go ahead!" And he goes ahead into death and immortality. His body lies there ringed with his foes. He knew he was right and he dared to die. His gallantry in that fearful hour blazed like a beacon in the angry storm of the night and brought cheering hope to hearts that were faint.

In life he spoke with the rude unpolished but honest speech of the frontier. But in death he spoke with an eloquence that shames the gilded phrases of the thoughtless and unkind. David Crockett has spoken in flaming sentences of sacrifice for a cause that was worthy of the best he had to give it—his life.

I conclude with the prayer that you and I, as we discharge the several duties incumbent upon us, may exhibit, at least in faint pattern, some of the same high courage that made the name of David Crockett imperishable in the history of a mighty state. I thank you.

The Speaker presented Chief Justice James P. Alexander of the Supreme Court and announced that the constitutional oath would be administered to Hon. Coke R. Stevenson, Governor-elect, by Chief Justice Alexander.

Hon. Coke R. Stevenson, Governor-elect, took the constitutional oath of office, the oath being administered by Chief Justice Alexander.

Chief Justice Alexander declared the Honorable Coke R. Stevenson duly installed as Governor of the State of Texas for the ensuing term of two years.

Speaker Claud Gilmer then presented Governor Coke R. Stevenson to the joint session.

Address by Governor

The Governor addressed the joint session as follows:

Mr. President of the Senate, Mr. Speaker of the House, Members of the Legislature in Joint Session, Ladies and Gentlemen:

I deeply appreciate the introduction by my long-time personal friend, Claud Gilmer. If it reflects a bias in my favor, it is the result of that type of affection found in the hill country where the faith of men in each other is founded upon the strongest ties of confidence and performance.

It is that type of affection between persons which ought to prevail between individuals and their government. Such affection will prevail if the individual has faith in the integrity, stability and justice of government and if government has confidence in its citizens—confidence in the character and the ability of the individual to manage the affairs of household and vocation with true concern for the welfare of his fellow-man.

The conduct of each must be based on correct foundations. The importance of substantial foundations has been emphasized repeatedly in the development of the human race. The Biblical illustration makes the comparison between a man who built his house upon the sand and one who built his house upon a rock. The house built upon the sand could not withstand the terrors of the elements and it fell and great was the fall of it. The house built upon a rock withstood every assault made upon it and continued to render the service for which it was intended. This illustration was used by the Master of men in His effort to teach us the correct principles of life.

Its application is beneficial in every human activity. The architect of this magnificent Capitol building designed a sure foundation. The builders followed the design and the result is a building of great service to the people of this State. The same principles of architecture apply with equal force to the humblest home in the land. It will last longer and give better service if it is built upon a good foundation.

The structure of government is no less important. Government is the result of the desire of individuals for an authority which will serve the whole of society. Its origin is of great

antiquity. In the earliest periods of recorded history, the desire seems to have been for some strong individual who could exercise authority. This is reflected by the number of kings, emperors and other types of the despotic ruler who controlled the activities of his subjects with an iron hand.

The destiny of the nation was almost determined by the character of the ruling monarch. The Bible says that when the wicked ruled, the people mourned. Under beneficent despots, the people made some progress and under profligate tyranny, the social gains were largely destroyed, though not entirely. That group of men who had faith in God and in themselves made gradual progress. This progress disclosed the weaknesses of despotism and the injustice of control by one man or by a set of men whose decrees were absolute. The desire of the individual for equal rights to all and special privileges to none continued to assert itself. It finally culminated in two revolutions which were closely related in point of time. The first was the American Revolution of 1775 and the second was the French Revolution a few years later. Both of these revolutions asserted the supremacy of personal rights over the despotism of government. Both asserted the principles of equal rights and equal chances to the individual. Together they constituted a period of Democratic revolution in behalf of the liberties of mankind.

The American people utilized the success of their revolution to build a government upon a solid foundation which recognized the Fatherhood of God and the brotherhood of man. They established a government of law, not the authority of one man, but the authority of the citizen, exercised by representatives chosen by the people. This government has given us the greatest benefits ever provided for the individual in any nation in any period of the world's history.

This government recognized that a man's home is his castle agreeable to the Divine precepts embodied in the Biblical commandments. The prohibition against theft and against covetousness of our neighbor's property is a recognition of the individual's rights in the premises. At the same time, it recognized the philosophy embraced in the teaching that I am my brother's keeper, under which the

greatest social gains have been registered.

The desire of certain individuals for one-man control, however, has never been entirely eliminated. Selfish groups, actuated by totalitarian philosophy, have endeavored to obtain control of government at various times. Even when the communistic movement succeeded in Russia in 1917, it merely substituted a government of one man for the government of the Czar which it abolished.

When state socialism triumphed in Germany it evolved as the government of one man. When fascism triumphed in Italy, it emerged as the government of one man. In our struggle for independence, we accepted the aid and assistance of governments of men, but we did not adopt any of their ideologies. In the present struggle for the preservation of Democracy, we have the assistance of one government run by a strong man. We are not lacking in appreciation of such support, however, to say to all the world that we do not now accept the ideology of that government or of any government which is not a government of the people, for the people, and by the people.

We do not want the socialism of Germany, the fascism of Italy, or the communism of Russia. We want a continuation of the Americanism of our forefathers in these United States. It was built upon the solid foundations which enabled the American farmer, the American laborer, the American businessman, and the American professional man to pool their efforts in the advancement of civilization. Each of these great divisions of our society has had faith and confidence in the integrity and the willingness of the others to support the government—a government which will act as an umpire and not a dictator—a government in which the people, through representatives like you, and under the direction of Divine Providence, decide their own destiny.

My statement today may be commonplace. But, I regard it as standing up in prayer meeting to be counted. It shows which side we are on, and we repeat the performance frequently as an expression of our faith and allegiance. The oath which I have just taken is the same as before and the same one subscribed to by all public officials. It is repeated with every term of office and is a pledge of faith

in and allegiance to our government. It means that we will do the best we can for the next two years.

Tomorrow is a challenge to us. It may be as great as that which confronted a little group of men on the banks of the Brazos River in 1836. They projected a government for a free people and fought a war to sustain it. We are in another war today and the sons and daughters of Texas are fighting everywhere. They fight with different weapons—modern equipment. But, the will and determination to win are the same.

The problems of tomorrow will be different, but demands for faith in our ability to meet them remain the same. The Brazos River men knew their task was enormous but they faced it cheerfully. Theirs was a task of conquering raw land, but they had no necessity for concern about the dignity of the individual. That dignity had been established by their forefathers for generations, and no force of regimentation had come forward to challenge it. Our task in producing from the land is no less than theirs, but we have the added responsibility of maintaining the dignity and self-respect of the individual. We can solve our problems and meet every challenge of tomorrow if we rededicate ourselves to our work and pray—not for easy jobs and the bounty of government, but for strength equal to the tasks which are before us. May we prove worthy of the blessings we enjoy and the heritage which has been bequeathed to us.

Thank you.

Senate Retires

At the conclusion of the address by the Governor, the President pro tempore announced that the purpose of the joint session had been accomplished; and, at 12 o'clock noon, he requested the Senate to retire to its chamber.

In the Senate

The President pro tempore called the Senate to order at 12:05 o'clock p. m.

Addresses Ordered Printed in Journal

On motion of Senator Taylor, and by

unanimous consent, the inaugural addresses of Governor Stevenson and Lieutenant Governor Smith, delivered to the joint session today, were ordered printed in the Journal.

Adjournment

On motion of Senator Vick, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

Senate Resolution No. 10

Senator Stanford offered the following resolution:

WHEREAS, on January 10, 1945, Mrs. B. W. Giles, mother of Land Commissioner, Bascom Giles, departed this life; and

WHEREAS, on January 11, 1945, notice was received by Mr. Giles from the War Department that his son, Lt. James B. Giles, Jr., was reported missing in action in Germany since December 16, 1944; now, therefore, be it

RESOLVED, that we, the members of the Senate of the State of Texas, extend to the members of the family of our esteemed Land Commissioner, Bascom Giles, our sincere sympathy in the loss of their mother, and that we join in the prayer that their son may be safely returned to them; and that a copy of this resolution be spread on the Senate Journal; and that when the Senate adjourns today it be done in memory of Mrs. B. W. Giles.

STANFORD
VICK
MOFFETT
METCALFE
BULLOCK
BROWN
MORRIS
STONE
AIKIN
LANNING
KNIGHT

Signed—Carney, Chadick, Crawford, Graves, Hazlewood, Jones, Lane, Martin, Mauritz, Moore, Parrish, Ramsey, Taylor, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Moffett, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.